



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

11/17/95

EPA Region 5 Records Ctr.



284279

HSE-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Dennis Egan  
President  
Egan Marine Corporation  
P.O. Box 669  
Lemont, IL 60439

Re: Request for Information Pursuant to Section 104(e) of CERCLA  
for the Egan Marine Site in Lemont, Illinois.

Dear Mr. Egan:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, at the Egan Marine facility, located at Old Canal Road, Lemont Illinois 60439, hereinafter referred to as the "Site". This investigation requires inquiry into the generation, storage, treatment, and disposal of such substances that have been or threaten to be released at the Site. U.S. EPA is also investigating the ability of persons connected with the Site to pay for or perform a clean-up of the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within 15 calendar (15) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e) (5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to



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respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

This Information Request is directed to your company, its officers, directors and employees, and its subsidiaries, divisions, facilities and their officers, directors and employees. The relevant time period for this request is January 1992 to the present. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Your response to this Information Request should be mailed to:


Mr. William J. Ryczek  
Emergency Support Section  
U.S. Environmental Protection Agency, HSE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Please direct any questions you may have to Mr Ryczek at (312) 886-7184. If you have any legal questions contact Mr. Felipe Gomez at (312) 886-6883.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,

  
Richard C. Karl, Chief  
Emergency & Enforcement Response Branch

Enclosure

bcc: F. Gomez, (CS-29A)  
L. Zintak, (HSE-5J or GI)  
J. Cisneros, (HSE-5J)  
W. Ryczek, (HSE-5J)  
B. Carr, (HSE-5J)  
Oliver Warnsley, RP-CRU (HSM-5J)  
Toni Lesser, Public Affairs, (P-19J)  
EERB Site File  
EERB Read File  
Fred Policarpio (HSRLT-5J) w/o attachments

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, respondent must notify U.S. EPA as soon as possible.
5. For each document produced in response to this request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Request on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with all present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal or handling practices of the Respondent between January 1992 and the present. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or their representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by U.S. EPA it may be made available to the public by U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

#### DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of the Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Site" or "The Facility" shall mean and include the entire property on which the Egan Marine facility is located, referenced to as the Site.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
5. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.
6. The terms "furnish", "describe", or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a

written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.

9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

10. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substances or pollutants or contaminants.

11. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any documents and (e) every document referred to in any other document.

12. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

#### REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent.
5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.
6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by you, your contractors, or by prior owners and/operators.
7. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances, hazardous wastes or hazardous materials? If the answer to the preceding question is anything but an unqualified "no", identify:
  - a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance, hazardous wastes, or hazardous materials;
  - b) Who supplied you with such hazardous substances;
  - c) How such hazardous substances, hazardous wastes, or hazardous materials were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
  - d) When such hazardous substances, hazardous wastes, hazardous materials were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;

e) Where such hazardous substances, hazardous wastes, or hazardous materials were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and

f) The quantity of such hazardous substances, hazardous wastes, or hazardous materials used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

8. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last three years.

9. Have you or any other person working with you or on your behalf ever accepted waste materials for transportation to the Site [to transshipment site] from any person? If the answer to this question is anything but an unequivocal no, identify:

a) The persons from whom you or such other persons accepted waste materials for transport to the Site;

b) Every date on which waste materials were so accepted or transported;

c) For each transaction, the nature of the waste materials accepted or transported, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;

d) For each material, describe any warnings given to you with respect to its handling;

e) The owner of the materials so accepted or transported;

f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;

g) All tests or analyses and analytical results concerning each material;

h) The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the Site.

10. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site or [transshipment Site]. In addition, identify the following:

a) The persons with whom you or such other persons made such arrangements, including, but not limited to [provide list of transporters];



- b) Every date on which such arrangements took place;
- c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;
- d) The owner of the waste materials or hazardous substances so accepted or transported;
- e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
- f) All tests, analyses, and analytical results concerning the waste materials;
- g) The person(s) who selected the Site [or transshipment Site] as the place to which the waste materials or hazardous substances were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;
- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;

o) The price paid for (i) transport or (ii) disposal of (iii) both, of each waste material and hazardous substance;

p) All documents containing information responsive to a)-o) above, or in lieu of identification of all relevant documents, provide copies of all such documents;

q) All persons with knowledge, information, or documents responsive to a)-o) above.

11. How did you handle, treat, store or dispose of oil and/or water that has accumulated in the tank farm since January 1992.

12. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.

13. State the dates during which you owned, operated or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation, or lease arrangement (e.g., deeds, leases, etc.).

14. Provide information about the Site, including but not limited to the following:

a) Property boundaries, including a written legal description;

b) Location of underground utilities (telephone, electrical, sewer, water main, etc.);

c) Surface structures (e.g., buildings, tanks, etc.);

d) Ground water wells, including drilling logs;

e) Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied;

f) Any and all additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the site; and

g) All maps and drawings of the Site in your possession.

15. Identify all past and present solid waste units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the Site [or your property]. For each such solid waste unit identified, provide the following information:

- a) A map showing the unit's boundaries and the location of all known solid waste units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
- b) The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;
- c) The dates that the unit was in use;
- d) The purpose and past usage (e.g., storage, spill containment, etc.);
- e) The quantity and types of materials (hazardous substances and any other chemicals) located in each unit; and
- f) The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit.
- g) If unit is no longer in use, how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.

16. Identify the prior owners of the Site. For each prior owner, further identify:

- a) The dates of ownership;
- b) All evidence showing that they controlled access to the Site; and
- c) All evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.

17. Identify the prior operators, including lessors, of the Site. For each such operator, further identify:

- a) The dates of operation;
- b) The nature of prior operations at the Site;
- c) All evidence that they controlled access to the Site; and

d) All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.

18. Provide copies of all local, state and federal environmental permits ever granted for the Facility or any part thereof (e.g., RCRA permits, NPDES permits, etc.).

19. Did the Facility ever have "interim status" under the Resource Conservation or Recovery Act (RCRA)? If so, and the Facility does not currently have interim status, describe the circumstances under which the Facility lost interim status.

20. Did the Facility ever file a notification of hazardous waste activity under RCRA? If so, provide a copy of such notification.

21. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

22. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site. In addition, identify:

a) When such releases occurred;

b) How the releases occurred;

c) The amount of each hazardous substances, pollutants, or contaminants so released;

d) Where such releases occurred;

e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.

f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and

g) All persons with information relating to these releases.

23. [Drains/Inside under a Building] Was there ever a spill, leak, release or discharge of hazardous materials into any subsurface disposal system or floor drain inside or under the [PRP] building? If the answer to the preceding question is anything but an unqualified "no", identify:

- a) Where the disposal system or floor drains were located;
- b) When the disposal system or floor drains were installed;
- c) Whether the disposal system or floor drains were connected to pipes;
- d) Where such pipes were located and emptied;
- e) When such pipes were installed;
- f) How and when such pipes were replaced, or repaired; and
- g) Whether such pipes ever leaked or in any way released hazardous materials into the environment.

24. Did any leaks, spills or releases of hazardous materials occur on the Site when such materials were being:

- a) Delivered by a vendor;
- b) Stored (e.g., in any tanks, drums, or barrels);
- c) Transported or transferred (e.g., to or from any tanks, drums, barrels, or recovery units); or
- d) Treated.

25. Has soil ever been excavated or removed from the Site? Unless the answer to the preceding question is anything besides an unequivocal "no", identify:

- a) Amount of soil excavated;
- b) Location of excavation;
- c) Manner and place of disposal and/or storage of excavated soil;
- d) Dates of soil excavation;
- e) Identity of persons who excavated or removed the soil;

- f) Reason for soil excavation;
- g) Whether the excavation or removed soil contained hazardous materials and why the soil contained such materials;
- h) All analyses or tests and results of analyses of the soil that was removed from the Site;
- i) All persons, including contractors, with information about (a) through (h) of this request.

26. How did you handle, treat, store, dispose of oil and water that has accumulated in the tank farm and other areas at your facility since January 1992?

27. Provide a list of the customers you supplied hazardous substances to between January 1992 and the present.

bcc: F. Gomez, (CS-29A)  
L. Zintak, (HSE-5J or GI)  
J. Cisneros, (HSE-5J)  
W. Ryczek, (HSE-5J)  
B. Carr, (HSE-5J)  
Oliver Warnsley, RP-CRU (HSM-5J)  
Toni Lesser, Public Affairs, (P-19J)  
EERB Site File  
EERB Read File  
Fred Policarpio (HSRLT-5J) w/o attachments

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- Complete items 3, and 4a & b.
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- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to

INNIS EGAN  
RESIDENT  
EGAN MARINE CORPORATION  
P.O. BOX 669  
EMONT, IL 60439

Is your RET

6. Signature (Agent)

*Melissa Baker*

PS Form 3811, December 1991 ★U.S. GPO: 1993-352-714

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PS Form 381

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